

UNITED STATES DISTRICT COURT
Northern District of California

FABIAN GAGAZA, et al.,

No. C 12-4074 MEJ

Plaintiffs,

ORDER DISCHARGING OSC

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

On August 29, 2012, the Court ordered Plaintiffs Fabian and Lourdes Gagaza to show cause by September 13, 2012 why this case should not be dismissed for failure to respond to Defendants' pending motion to dismiss. Dkt. No. 11. However, on August 30, 2012, Plaintiffs filed a Motion to Remand, arguing that diversity jurisdiction does not exist. Dkt. No. 12. As the jurisdictional issue must be addressed prior to considering any motion to dismiss, and given that Plaintiffs appear pro se in this matter, the Court finds it prudent to have the parties fully brief Plaintiffs' remand motion prior to any further briefing regarding Defendants' motion to dismiss. Accordingly, the Court hereby DISCHARGES the order to show cause. If the Court denies Plaintiffs' remand motion, it shall at the same time set a briefing and hearing schedule for Defendants' motion to dismiss. However, Plaintiffs should be mindful that any future failure to comply with Court deadlines may result in the imposition of sanctions, including dismissal of this case.

IT IS SO ORDERED.

Dated: September 6, 2012



Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FABIAN GAGAZA,

No. C 12-04074 MEJ

Plaintiff(s),

CERTIFICATE OF SERVICE

v.

WELLS FARGO BANK NA,

Defendant(s).

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 6, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Fabian Gagaza
Lourdes Gagaza
165 Serravista Avenue
Daly City, CA 94015

Dated: September 6, 2012

Richard W. Wieking, Clerk
By: Rose Maher, Deputy Clerk